

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

STEVEN DESKINS,)
)
Petitioner,)
)
v.) Case No. 3:06-1014
) Judge Echols
)
WAYNE BRANDON, WARDEN,
et al.,)
)
Respondents.)

ORDER

This matter is before the Court on a Report and Recommendation ("R & R") (Docket Entry No. 13) in which the Magistrate Judge recommends that Petitioner's petition for habeas corpus relief under 28 U.S.C. § 2254 be denied; this action be dismissed; and a Certificate of Appealability not issue. The R & R was issued on May 24, 2007, and Petitioner has filed no objections thereto, even though he was specifically instructed about his opportunity to do so (Docket Entry No. 13 at 15).

This Court has thoroughly reviewed Petitioner's Petition under 28 U.S.C. § 2254, Respondent's Answer, the state court record, and the R & R. The Court finds the Magistrate Judge properly concluded Petitioner's claims of ineffective assistance of counsel are without merit. The Court further finds that reasonable jurists would not find this conclusion debatable.

Accordingly, the Court rules as follows:

(1) The Report and Recommendation, Docket Entry No. 13, is hereby ACCEPTED;

(2) This case is hereby DISMISSED WITH PREJUDICE; and

(3) A Certificate of Appealability will not issue because Petitioner cannot demonstrate that reasonable jurists would find the Court's assessment of his ineffective assistance of counsel claims debatable or wrong.

Entry of this Order shall constitute the judgment in this case pursuant to Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE